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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,309	11/12/1998	DANIEL R. SCHNEIDEWEND	RCA89.041	6495

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/190,309

Applicant(s)

SCHNEIDEWEND ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-14,17 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6,7,15,16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 8-12, 14, 17, and 21-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yoshinobu et al. (U.S. Patent No. 5,686,954).

Referring to claim 1, Yoshinobu discloses initiating scheduled program processing functions (Column 2, Lines 64-66), and packetized program information from an individual broadcast source containing program content, system timing and program specific information data (Column 8, Lines 54-67 and Column 9, Lines 1-2). Yoshinobu also discloses selecting a desired program (Column 14, Lines 22-26). Yoshinobu also discloses tuning to receive packetized program information (Column 14, Lines 41-46). Yoshinobu also discloses a processor (CPU 102 of Figure 10) for identifying and acquiring system timing data, which contains a current time reference (Column 9, Lines

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3-7). Yoshinobu also discloses that the processor derives a time clock based on a current time reference (Column 9, Lines 17-21) and is used to initiate scheduled processing functions for programs (Column 9, Lines 35-44).

Referring to claim 2, Yoshinobu discloses deriving a time clock based on district indication (Column 9, Lines 17-21). It is inherent that if there is no time difference between districts that a time clock will not be derived (disregards).

Referring to claim 3, Yoshinobu discloses updating a stored scheduling time clock (Column 29, Lines 65-67 and Column 30, Lines 1-5).

Referring to claim 4, Yoshinobu discloses if a valid current time reference is absent (Column 9, Lines 17-21), then the processor initiates scheduled processing functions (Column 9, Lines 35-44).

Referring to claim 5, Yoshinobu discloses a second time clock displayed to a user, which is different from the derived time clock used in initiating scheduled processing functions (Column 25, Lines 36-44).

Referring to claim 8, Yoshinobu discloses that the second time clock is updated using current time indications (Column 25, Lines 42-44), which is based on determining a proper broadcasting district and not the programming schedule information (Column 25, Lines 21-28).

Referring to claim 9, Yoshinobu discloses updating a second time clock based a current time reference from a single source (Column 9, Lines 26-28).

Referring to claim 10, Yoshinobu discloses that a processor initiates a schedule processing function in response to a user selection made via a displayed EPG (Column 20, Lines 49-58).

Referring to claim 11, Yoshinobu discloses that a processor can initiate program recording (Figure 10 and Column 15, Lines 45-56).

Referring to claim 12, Yoshinobu discloses tuning to a broadcast channel to receive packetized program information (Column 8, Lines 48-58).

Claim 14 recites the limitation in claims 1 and 10, with the additional limitation of displaying a second time clock different to the derived time clock. Yoshinobu discloses a second time clock displayed to a user, which is different from the derived time clock used in initiating scheduled processing functions (Column 25, Lines 36-44).

Regarding claim 17, see rejection of claim 9.

Regarding claim 21, see rejection of claim 1.

Regarding claim 22, see rejection of claim 2.

Regarding claim 23, see rejection of claim 11.

Regarding claim 24, see rejection of claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. in view of Thomas et al. (U.S. Patent No. 5,666,645).

Yoshinobu discloses system-timing data containing a current time reference provided by a broadcast source and incorporating channel map information (scheduled program information packet) and current time references (Column 9, Lines 36-40). Yoshinobu fails to teach a composite program guide formed from multiple broadcast sources, an identification number for identifying a broadcast channel with a broadcast source, forming a composite program guide, and packetizing composite program guide for transmission.

Thomas teaches forming a composite program guide from multiple broadcast sources (see Abstract and Column 3, Lines 42-51). Thomas also teaches an identification number (PID) for use in identifying a broadcast channel and its particular broadcast source (Column 11, Lines 32-34). Thomas also teaches that the identification number (PID) is part of a group of broadcast programming (feed) (Column 11, Lines 22-26). Thomas also discloses transmitting the packetized composite program guide (Column 12, Lines 50-53). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the program information broadcasting method, as taught by Yoshinobu, using the data management and distribution method, as taught by Thomas, for the purpose of permitting an EPG distributor to provide the data in the appropriate format to a large number of EPG providers in an efficient and cost-effective manner with a minimum of human operator interfaces (Column 4, Lines 20-24 of Thomas).

Allowable Subject Matter

4. Claims 6-7, 15-16, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach a second filtered time clock to prevent a user from seeing an abrupt time change discontinuity, and that a second time clock is received in a dedicated program guide channel, embedded in the content of the channel, and then displayed to a user.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyer et al. (U.S. Patent 5,801,753) discloses a method and apparatus for providing an interactive guide to events available on an information network.

Bigham et al. (U.S. Patent 5,544,161) discloses an ATM packet demultiplexer for use in a full service network having distributed architecture.

Fuji et al. (U.S. Patent No. 5,898,695) discloses a decoder for compressed and multiplexed video and audio data.

Watts et al. (U.S. Patent No. 6,324,694) discloses a method and apparatus for providing subsidiary data synchronous to primary content data.

Cloutier (U.S. Patent No. 5,790,543) discloses an apparatus and method for correcting jitter in data packets.

Davis et al. (U.S. Patent No. 5,576,755) discloses a system and method for verification of electronic television program guide data.

Ozkan et al. (U.S. Patent No. 6,031,577) discloses a system for forming and processing program specific information containing text data for terrestrial, cable or satellite broadcast.

Chaney et al. (U.S. Patent No. 5,867,207) discloses a program guide in a digital video system.

Klosterman (U.S. Patent No. 5,923,362) discloses merging multi-source information in a television system.

Wasilewski (U.S. Patent No. 5,600,378) discloses a logical and composite channel mapping in an MPEG network.

O'Callaghan et al. (U.S. Patent No. 5,477,263) discloses a method and apparatus for video on demand with fast-forward, reverse and channel pause.

Eyer et al. (U.S. Patent No. 5,982,411) discloses navigation among grouped television channels.

Copriviza et al. (U.S. Patent No. 5,646,675) discloses a system and method for monitoring video program materials.

Yuen et al. (U.S. Patent No. 5,995,092) discloses a television system and method for subscription of information services.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-

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1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

April 16, 2002



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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